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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,341	12/16/2003	Russell L. Holden	LOT920030052US1	9103
23550	7590	06/23/2006	EXAMINER	
HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207				VAUTROT, DENNIS L
		ART UNIT		PAPER NUMBER
		2167		

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/737,341	HOLDEN ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Dennis L. Vautrot	2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 08 December 2003.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 08 December 2003 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Specification***

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 15 requires a computer program product stored on a recordable medium. There is no clear disclosure as to what constitutes a recordable medium. Paragraph [0035] of the specification is the closest disclosure but still it fails to provide antecedent basis.

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claims 15-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The medium fails to be limited to physical articles or objects which enable the program product stored thereon to act as a computer component and realize its functionality.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-21 are rejected under 35 U.S.C. 102(b) as being anticipated by **Benson** (5,819,272).

5. Regarding claim 1, **Benson** teaches a method for preventing an unread activity from being bounced-back to an originating server during a replication operation, comprising: storing an identification of an originating server of a replicated unread activity in an unread log of a receiving server (See column 4, lines 16-18 “Per\_User\_GUID 36 is the globally unique identifier of the replica server to which the master copy was last copied.”); and during a subsequent replication process initiated by the receiving server, preventing replication of the unread activity back to the originating server (See column 4, lines 43-49 “In the process of opening communication with the assigned replica, the Per\_User\_GUID stored in the master copy is compared to the GUID of the server on which the assigned replica is stored (step 54). If the Per\_User\_GUID is the same, it means that this is the same replica of this folder that the user accessed previously, and no action is required before the replica is opened.”)

6. Regarding claims 2, 9, and 16, **Benson** teaches during the subsequent replication process, replicating the unread activity to at least one other server not identified as the originating server (See column 4, lines 49-53 “If the Per\_User\_GUID is different, it means that a replica different from the last one has been accessed, and the

per user read/unread data record 28 is copied to the replica, where it is stored on disk and in RAM.”)

7. Regarding claims 3, 10, and 17, **Benson** teaches storing an identification further comprises: updating the unread log to include an unread entry corresponding to the replicated unread activity (See column 4, lines 57-59 “If it has changed, the read/unread data record 28 is written back to disk on the replica and on the user’s home server (64)...”); and storing the identification of the originating server with the unread entry (See column 4, lines 59-61 “...with the replica’s GUID written over the existing Per\_User\_GUID.”)

8. Regarding claims 4, 11, and 18, **Benson** teaches preventing the replication of the unread activity back to the originating server further comprises: examining the unread log to determine if any unread entries stored therein correspond to an unread activity received from the originating server (See column 4, lines 43-49 “In the process of opening communication with the assigned replica, the Per\_User\_GUID stored in the master copy is compared to the GUID of the server on which the assigned replica is stored (step 54). If the Per\_User\_GUID is the same, it means that this is the same replica of this folder that the user accessed previously, and no action is required before the replica is opened.”); and, during the subsequent replication process, not replicating any unread activity identified as being received from the originating server back to the

originating server (See column 4, lines 60-61 "If the read/unread data set has not changed, no write back occurs.")

9. Regarding claims 5, 12, and 19, **Benson** teaches the originating server has a name (See column 5, lines 6-9 "In the preferred embodiment, a change number consists of a globally unique ID (GUID) of the server on which the change was made, plus a unique sequence number assigned by the server." Here the GUID is the name of the originating server.); and wherein the identification is a hash of the name of the originating server (See column 5, lines 35-38 "...it is possible to represent the set very efficiently, using the compression technique disclosed by my copending application entitled 'Compressing Sets of Integers', filed on even data herewith.")

10. Regarding claims 6, 13, and 20, **Benson** teaches during the subsequent replication process, if another server has the same hash as the originating server, the receiving server replicates the unread activity to the other server and back to the originating server (See column 5, lines 60-62 and 56-58 "First, it is determined whether the message is a replication conflict message (step 70)...All replicas would independently recognize the conflict, and build identical replication conflict messages.")

11. Regarding claims 7, 14, and 21, **Benson** teaches the originating server discards any duplicate replicated unread activities (See column 5, line 67 – column 6, line 4 "If the message is not a replication conflict message, then its singular CN is compared to

CNs\_Marked\_Read\_Or\_Deleted (step 72), and the message is marked read (step 76) if the CN is contained in the set. Otherwise it is marked unread (step 78).")

12. Regarding claim 8, **Benson** teaches a bounce-back prevention system, comprising: a receiving server for receiving an unread activity replicated by an originating server, the receiving server including an unread log for storing an identification of the originating server (See column 4, lines 16-18 "Per\_User\_GUID 36 is the globally unique identifier of the replica server to which the master copy was last copied."); and a system for preventing replication of the unread activity back to the originating server during a subsequent replication process initiated by the receiving server (See column 4, lines 43-49 "In the process of opening communication with the assigned replica, the Per\_User\_GUID stored in the master copy is compared to the GUID of the server on which the assigned replica is stored (step 54). If the Per\_User\_GUID is the same, it means that this is the same replica of this folder that the user accessed previously, and no action is required before the replica is opened.").

13. Regarding claim 15, **Benson** teaches a program product stored on a recordable medium (See column 2, line 65 – column 3, line 4) for preventing an unread activity from being bounced-back to an originating server during a replication operation, which when executed comprises: program code for storing an identification of an originating server of a replicated unread activity in an unread log of a receiving server (See column 4, lines 16-18 "Per\_User\_GUID 36 is the globally unique identifier of the replica server

to which the master copy was last copied."); and program code for preventing replication of the unread activity back to the originating server, during a subsequent replication process initiated by the receiving server (See column 4, lines 43-49 "In the process of opening communication with the assigned replica, the Per\_User\_GUID stored in the master copy is compared to the GUID of the server on which the assigned replica is stored (step 54). If the Per\_User\_GUID is the same, it means that this is the same replica of this folder that the user accessed previously, and no action is required before the replica is opened.")

14. Regarding claim 22, **Benson** teaches a method for preventing an unread activity from being bounced-back to at least one originating server during a replication operation, comprising: storing an identification of each originating server of a replicated unread activity in an unread log of a receiving server (See column 4, lines 16-18 "Per\_User\_GUID 36 is the globally unique identifier of the replica server to which the master copy was last copied."); and during a subsequent replication process initiated by the receiving server, preventing replication of the unread activity back to each originating server (See column 4, lines 43-49 "In the process of opening communication with the assigned replica, the Per\_User\_GUID stored in the master copy is compared to the GUID of the server on which the assigned replica is stored (step 54). If the Per\_User\_GUID is the same, it means that this is the same replica of this folder that the user accessed previously, and no action is required before the replica is opened.")

***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Swildens et al.** (US 2004/0221019) teaches server name has functions including server names.

**Pedrizetti et al.** (6,789,255) teaches dealing with hash collisions.

**Chen et al.** (2006/0059208) teaches dealing with conflicts over read/unread marks during synchronization.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis L. Vautrot whose telephone number is 571-272-2184. The examiner can normally be reached on Monday-Friday 8:30-5:30.

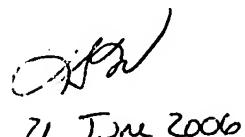
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cottingham can be reached on 571-272-7079. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dv  
19 June 2006



JOHN H. COTTINGHAM  
PRIMARY EXAMINER



21 June 2006